

NOTICE OF INTENT

Department of Environmental Quality Office of Air Quality and Radiation Protection Air Quality Division

Chemical Accident Prevention Program (LAC 33:III.Chapter 59) (AQ126L2)

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.Chapter 59 (AQ126L2).

The L2 Package adds nitrogen tetroxide to the existing list of toxics. It also creates a general duty section which includes a new list of chemicals which the facilities will have to consider. Facilities will only have to address this new list of chemicals with requirements within this general duty section and not with the whole rule. The facilities will have the option to address any chemicals they have on the new list, in accordance with the whole rule.

This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3), therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 59. Chemical Accident Prevention Program

§5907. General Duty

The owners and operators of stationary sources producing, processing, handling, or storing substances listed in 40 CFR 68.130, Table 59.0 of this Section, or Table 59.1 of LAC 33:III.5913 in quantities greater than the threshold quantities listed in those respective places (as determined in the manner described in 40 CFR 68.115), have a general duty in the same manner and to the same extent as Section 654 of Title 29 of the United States Code (Occupational Safety and Health Act) to identify hazards that may result from accidental releases of such substances using appropriate hazard assessment techniques, to design and maintain a safe facility, and to minimize the off-site consequences of accidental releases of such substances that do occur. For the purposes of this Section the provisions of R.S. 30:2026 (Citizen Suits) shall not be available to any person or otherwise be construed to be applicable to this Section. Nothing in this Section shall be interpreted, construed, implied, or applied to create any liability or basis for suit for compensation for bodily injury or any other injury or property damages to any person that may result from accidental releases of such substances.

Table 59.0 Supplemental List of Regulated Substances and Their Threshold Quantities for Accidental Release Prevention

1338-23-4	Ethyl methyl ketone peroxide (Conc>60 percent)	5000	
371-62-0	Ethylene fluorohydrin	100	
684-16-2	Hexafluoroacetone	5000	
10035-10-6	Hydrogen bromide	5000	
7722-84-9	Hydrogen peroxide (Conc>60 percent)	100	
7803-49-8	Hydroxylamine	2500	
463-51-4	Acetone	100	
78-85-9	Methylacrylonitrile	1000	
920-46-7	Methacryloyl chloride	150	
30674-80-7	Methacryloyloxyethyl methacrylate	100	
74-83-6	Methyl bromide	2500	
453-18-9	Methyl fluoroacetate	100	
421-20-5	Methyl fluorosulfate	100	
74-88-4	Table 59.1 Supplementary List of Regulated Toxic Substances and Their Threshold Quantities for Accidental Release Prevention (Alphabetical Order)		
79-84-4	Methyl vinyl ketone	100	
100-01-6	Nitroaniline(p-)	5000	Threshold Planning Quantity (pounds)
7783-54-2	Nitrogen trifluoride	5000	
10544-73-7	Nitrogen trioxide	250	
75-52-5	Nitromethane	2500	
20816-12-0	AUTHORITY NOTE: Promulgated in accordance with 30:2054 and 30:2063.		
7783-41-7	Oxygen difluoride	100	
19624-22-7	Pentaborane	100	
7601-90-3	A public hearing will be held on August 5, 1996, at 4:30 p.m. in the Mayor's Ketcham Building, Room 326, Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, please contact Patsy Deaville at the address given below at (504) 765-0399.		
7616-94-6	Perchloryl fluoride	5000	
627-13-4	Propyl nitrate	2500	
107-44-7	Selenic acid	100	
7783-79-1	Selenium hexafluoride	1000	
7803-52-3	Stibine (Antimony hydride)	500	
5714-22-8	Comments should be submitted no later than September 1, 1996, at 4:30 p.m., to Patsy Deaville, Investigations Regulation Development Division, Box 82232, Baton Rouge, LA 70810 or to FAX (504) 765-0486.		
10036-47-2	Tetrafluorohydrazine	5000	
7719-09-7	Thionyl chloride	250	
1558-25-4	Trichloro (chloromethyl)silane	100	

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Chemical Accident Prevention Program (AQ126L2)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no expected costs (savings) to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no expected effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are expected costs of approximately \$232,000 to affected facilities to comply with this rule.

The benefits from complying with this rule could be in the millions of dollars. Preventing just one accident, such as the one at the facility at Norco, could have saved \$327,000,000.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no expected effect on competition and employment.

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Legislative Fiscal Officer